

SENATE BILL 1128
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 40
and Title 55, relative to the offense of driving
under the influence of an intoxicant and the
sentencing for such offense.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (b)(1) and substituting instead the following:

(b)(1) No person charged with a violation of § 55-10-401 shall be eligible for suspension of prosecution and dismissal of charges pursuant to the provisions of §§ 40-15-102 - 40-15-105 and 40-32-101(a)(3)-(c)(3), judicial diversion pursuant to § 40-35-313, or any other pretrial diversion program. Nor shall any such person convicted of a violation of § 55-10-401 be eligible for suspension of sentence or probation pursuant to § 40-35-303, or any other provision of law authorizing suspension of sentence and probation, until such time as the person has fully served day for day at least the minimum sentence required by law.

SECTION 2. Tennessee Code Annotated, Section 40-35-313, is amended by deleting the word "and" at the end of subsection (a)(1)(B)(i)(b); by adding the following new subdivision (c) to subsection (a)(1)(B)(i); and by relettering present subdivision (c) accordingly:

(c) Is not seeking deferral of further proceedings for a violation of §§ 55-10-401 or 39-13-106; and

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.

